



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, DC

Issued by the Department of Transportation on January 21, 1999

**NOTICE OF ACTION TAKEN -- DOCKET OST-96-1046**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of Amerijet International, Inc. filed 12/23/97 to:

XX Renew exemption under 49 U.S.C. 40109 to provide the following service:

**Scheduled foreign air transportation of property and mail between Miami, Florida, and Panama City, Panama, and to combine this authority with its existing authority to serve points in the Caribbean, Mexico, and Central and South America.**

Applicant rep.: John L. Richardson, 202-496-1234 DOT analyst: Sylvia Moore, 202-366-6519

**DISPOSITION**

XX **Granted** (subject to conditions, see below)

The above action was effective when taken: January 21, 1999, through January 21, 2001

**Action taken by: Paul L. Gretch, Director  
Office of International Aviation**

XX **The authority granted is consistent with the aviation agreement between the United States and Panama.**

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: XX **Holder's certificate of public convenience and necessity**

XX **Standard Exemption Conditions (attached)**

**Conditions:** The route integration authority requested is granted subject to the condition that any service provided under this exemption shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (a) nothing in the award of the route integration authority requested should be construed as conferring upon Amerijet rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless Amerijet notifies us of its intent to serve such a market and unless and until the Department has completed any necessary selection procedures to determine which carrier(s) should be authorized to exercise such rights; and (b) should there be a request by any carrier to use the limited-entry route rights that are included in Amerijet's authority by virtue of the route integration exemption granted here, but that are not then being used by Amerijet, the holding of such authority by route integration will not be considered as providing any preference for Amerijet in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

(See Reverse Side)

**Remarks:** We note that the aviation agreement between the United States and Mexico provides for all-cargo services beyond Mexico on a blind-sector basis only.

The authority for which Amerijet requested renewal expired February 26, 1998, but had been kept in force pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 558(c), as implemented by 14 CFR Part 377, pending action on Amerijet's timely filed renewal application.

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On the basis of data officially noticeable under Rule 24(n) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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